Public Charter Schools (PCS) and Students with Disabilities

Alabama public charter schools are responsible for meeting the requirements of local education agencies (LEAs) “under applicable federal, state, and local laws” that would include the Alabama School Choice and Student Opportunity Act [Act 2015-3, § 9(a)(5)] and the Individuals with Disabilities Education Act (IDEA), Section 504 of the Rehabilitation Act of 1973, and Title II of the Americans with Disabilities Act (ADA).

A public charter school has “primary responsibility for special education at the school, including identification and service provision.” It is responsible for “meeting the needs of enrolled students with disabilities. This does not preclude the public charter school from collaborating with the local school system to meet the needs of any special education student” (§ 9(a)(7)).

Children who attend public charter schools and their parents retain all special education rights under the IDEA.

Conversion Public Charter Schools (PCS)

The local school board charter authorizer/LEA must serve children with disabilities attending charter schools that are public schools of the LEA (i.e., conversion public charter schools) in the same manner that the local school board/LEA serves children with disabilities in its other schools, including providing supplementary and related services on site at the charter school to the same extent to which the LEA has a policy or practice of providing such service on the site to its other public schools (IDEA, 34 CFR § 300.209(b)(1)(i)).

In addition, the local school board charter authorizer/LEA must provide funds under Part B of the IDEA to those charter schools on the same basis as the LEA provides funds to the LEA’s other public schools, including proportional distribution based on relative enrollment of children with disabilities, at the same time it distributes other federal funds to the LEA’s other public schools, consistent with the state charter school law (§ 300.209(b)(1)(ii)).

If the public charter school is a school of an LEA that receives federal funding under § 300.705 of the IDEA, the LEA is responsible for ensuring that the requirements outlined in the IDEA are met (unless state law assigns that responsibility to another entity); and the LEA must meet the requirements (§ 300.209(b)(2)).

Start-Up Public Charter Schools that are LEAs

If the public charter school is an LEA (i.e., start-up public charter school), consistent with § 300.28 of the IDEA that receives funding under § 300.705, that charter school is responsible for ensuring that the requirements outlined in the IDEA are met (unless state law assigns that responsibility to some other entity) (§ 300.209(c)).

The state shall pay directly to a (start-up) public charter school any federal or state aid attributable to a student with a disability attending the school (Act 2015-3, § 10 (b)(3)(a)).

NOTE: This working document “highlights” some key special education components in the Alabama School Choice and Student Opportunity Act (Act 2015-3). It does not attempt to address all content specific to special education state and/or federal laws, rules, and regulations. The preliminary guidance provided in this working document will be updated as the Alabama State Department of Education develops specific guidance regarding Alabama public charter schools. Please send questions to pcs@alsde.edu.